

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSHUA ICE,

Petitioner,

v.

COMMANDER KARLSON,

Respondent.

Case No. C12-1044-MJP-JPD

REPORT AND RECOMMENDATION

This is a federal habeas action brought under 28 U.S.C. § 2241. Petitioner Joshua Ice alleged in his petition that he was being unlawfully restrained in the King County Jail pursuant to a court order finding him in non-compliance with the conditions of probation imposed as part of a 2011 judgment of the King County District Court. After reviewing the petition, this Court determined that the petition was properly construed as one brought pursuant to § 2254 and that, so construed, the petition was defective because petitioner failed to demonstrate that he had exhausted his state court remedies with respect to any of his federal habeas claims.


Accordingly, on September 14, 2012, this Court issued an Order directing petitioner to show cause within 30 days why this action should not be dismissed for failure to exhaust his claims in the state courts. Petitioner was advised that his failure to timely respond to the Order

REPORT AND RECOMMENDATION - 1

1 would result in a recommendation that this action be dismissed. To date, petitioner has filed no
2 response to the Order to Show Cause.

3 As it appears from the face of petitioner's federal habeas petition that he failed to
4 properly exhaust his federal habeas claims, and as petitioner has made no attempt to correct that
5 deficiency, this Court recommends that the petition and this action be dismissed without
6 prejudice for failure to identify any cognizable ground for relief. A proposed order accompanies
7 this Report and Recommendation.

8 DATED this 18th day of January, 2013.

9
10 
11 JAMES P. DONOHUE
United States Magistrate Judge